

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

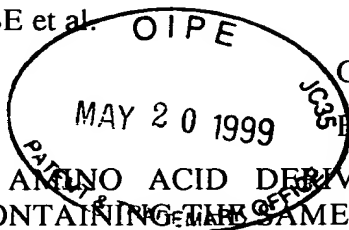
ATTY. DOCKET NO. 067242/0107

Fumihiko WANTANABE et al.

Serial No.: 09/120,383

Filed: July 22, 1998

For: SULFONATED AMINO ACID DERIVATIVES AND METALLOPROTEINASE  
INHIBITORS CONTAINING THE SAME



Group Art Unit: 1613

Examiner: Unknown

REQUEST FOR INTERFERENCE UNDER 37 C.F.R. §1.607

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

MAY 21 1999  
MATRIX CUSTOMER  
SERVICE CENTER

#1098  
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Applicants respectfully request an interference be declared pursuant to 37 CFR  
Section 1.607 as set forth below:

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1.607(a)(1) - Patent Identification

TECH CENTER 1600/2900

Applicants respectfully request an interference be declared between the above-captioned application Serial No. 09/120,383 filed July 22, 1998 and U.S. Patent No. 5,756,545 (the '545 patent) [a copy of which is enclosed in Appendix 1], which issued on May 26, 1998.

1.607(a)(2) - Proposed Count

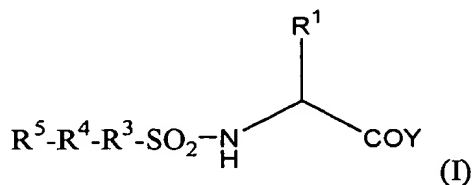
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A proposed count 1 is as follows:

1. A compound of the formula I:



wherein  $R^5$  is an optionally substituted phenyl group,

$R^4$  is a bond,

$R^3$  is phenylene

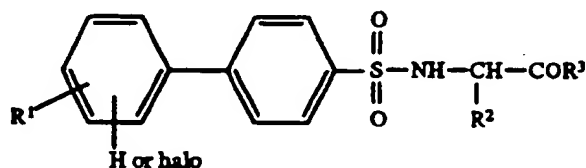
$R^1$  is a lower alkyl optionally substituted with one or more substituents selected from the group consisting of hydroxy, alkoxy, mercapto, alkylthio, cycloalkyl, halogen, carboxy, nitro, cyano, trifluoromethyl, substituted or unsubstituted amino, guanidino, phenyl, and benzyloxy, and

Y is  $-NHOH$  or  $-OH$ ,

or a pharmaceutically acceptable salt or hydrate thereof,

OR

a compound of the Formula I'



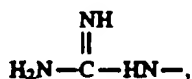
wherein:

$R^1$  is  $C_1$ - $C_6$  alkyl, halo, nitro,  $(CH_2)_{0-4}-NR^4R^5$ , cyano,  $OR^4$ ,



$R^2$  is hydrogen or  $C_1$ - $C_6$  alkyl, optionally substituted by the following groups:

phenyl, substituted phenyl, phenoxy, substituted phenoxy,  $NR^4R^5$ ,  $OR^6$ , carboxy, carboxamido,



thio, methylthio, indole, imidazole, and phthalimido; R<sup>3</sup> is OH, O C<sub>1</sub>-C<sub>6</sub> alkyl, or NHOH;

R<sup>4</sup> is hydrogen, C<sub>1</sub>-C<sub>6</sub> alkyl, or C<sub>1</sub>-C<sub>6</sub> alkanoyl;

R<sup>5</sup> is hydrogen or C<sub>1</sub>-C<sub>6</sub> alkyl; and

R<sup>6</sup> is hydrogen, C<sub>1</sub>-C<sub>6</sub> alkyl, or C<sub>1</sub>-C<sub>6</sub> alkanoyl, phenyl, or substituted phenyl, and pharmaceutically acceptable salts and solvates thereof.

1.607(a)(3) – Patent Claims Corresponding to the Count

Claims 1-18 of the '545 patent correspond to the count.

1.607(a)(4) – Application Claims Corresponding to the Count

Claims 26-32 of Serial No. 09/120,383 correspond to the count.

1.607(a)(5) – Support in the Specification for claims 26-32

Claims 26-32 were previously present in the 09/120,383 application and are supported, for example, by the following portions of the originally filed U.S. specification:

Page 2, lines 4, 7, 8, 10, 11, 12, 13, 16, and 18; page 3, lines 11 and 22; page 10, lines 6 and 11; and page 12, lines 8-16 and 22. Thus, claims 26-32 are supported by the specification.

1.607(a)(6) Satisfying 35 U.S.C. Section 135(b)

The requirement of 35 U.S.C. 135 (b) are met because claims 26-32 were present in the instant application less than one year after the May 26, 1998 issue date of the '545 patent.

Thus, the requirement of Rule 607(a) have been met and the Patent Office is respectfully requested to set up and declare an interference between the present application and U.S. Patent No. 5,756,545. The statement required by 37 CFR Section 1.608 accompanies this request. For the Examiner's convenience, a proposed completed form PTO-850 accompanies this request.

Should there be any questions, the Examiner is invited to contact the undersigned.

Respectfully submitted,

May 14, 1999

Date



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